

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1575 Session of
1981

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COLAFELLA AND DeWEESE, JUNE 15, 1981

REFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS, JUNE 15, 1981

AN ACT

1 Establishing an Agent Orange Information Commission; imposing
2 powers and duties on the commission; granting additional
3 powers and duties to the Department of Health and making an
4 appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Agent Orange
9 Victims' Act."

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 "Agent Orange." The herbicide composed of tri-chlorophenoxy
15 acidic acid and di-chlorophenoxy acidic acid.

16 "Commission." The Agent Orange Information Commission
17 established pursuant to section 4.

1 "Department." The Department of Health of the Commonwealth
2 of Pennsylvania.

3 "Secretary." The Secretary of Health of the Commonwealth of
4 Pennsylvania.

5 Section 3. Legislative findings.

6 The General Assembly finds and determines that a large number
7 of Vietnam War Veterans were exposed to Agent Orange and other
8 debilitating defoliants during their service in Vietnam and that
9 it is a legitimate concern and responsibility of the State to
10 determine the extent of their injuries and to provide support
11 and counseling services to these victims.

12 Section 4. The Agent Orange Information Commission.

13 (a) There is hereby created within the Department of Health
14 an advisory commission to be known as the Agent Orange
15 Information Commission. This commission on Agent Orange exposure
16 is to obtain information relating to the health effects of
17 exposure to herbicides containing dioxin for Vietnam veteran
18 residents of the State of Pennsylvania who may have been exposed
19 to these substances during their period of military service.

20 (b) The commission shall consist of nine members to be
21 appointed by the Governor for a term of two years. Six members
22 shall be honorably discharged veterans of the Vietnam War, with
23 at least one veteran selected from each of the areas covered by
24 the Governor's Veterans Outreach Centers established by the
25 Secretary of Labor and Industry. The three other members of the
26 commission shall be dependents of veterans of the Vietnam War.

27 (c) The commission shall elect a chairperson from the
28 members of the commission.

29 (d) Vacancies in the membership of the commission and its
30 officers shall be filled for the unexpired term in the same

1 manner as the original appointment or election.

2 (e) The commission shall meet at least four times each year
3 at the call of the chairperson. The initial meeting of the
4 commission shall be called by the Secretary of Health not later
5 than December 1, 1981.

6 (f) The members of the commission shall receive no
7 compensation for their services but shall be allowed their
8 actual and necessary expenses incurred in the performance of
9 their duties hereunder.

10 Section 5. Powers and duties of the commission.

11 The commission shall have the following powers and duties:

12 (1) Determine what medical, administrative and social
13 assistance is needed for victims of dioxin exposure and
14 submit its recommendations to the Legislature for its
15 consideration.

16 (2) Conduct an extensive outreach program to inform
17 Vietnam era veterans who may have been exposed to herbicides
18 containing dioxin of any Federal or State assistance
19 available to them.

20 (3) Act as the official agent of the State for
21 disseminating information to Vietnam War Veterans about
22 epidemiological or other studies relating to dioxin exposure
23 which are being conducted by the Federal or State Government.

24 (4) Employ and at its pleasure remove such personnel as
25 it may deem necessary, including an executive director, for
26 the performance of its functions and fix their compensation
27 within the amounts made available therefor.

28 Section 6. Cooperation with other agencies.

29 To the maximum extent feasible, the commission shall be
30 entitled to request and receive and shall utilize and be

1 provided with such facilities, resources and data of any court,
2 department, division, board, bureau, commission or agency of the
3 State or any political subdivision thereof as it may reasonably
4 request to carry out properly its powers and duties hereunder.

5 Section 7. Information to be confidential.

6 The commission shall not disclose information received
7 pursuant to this act so as to divulge the identities of the
8 persons to whom it relates except as is necessary to carry out
9 the purposes of this act.

10 Section 8. Reports.

11 The commission shall make a preliminary report to the
12 Governor and the Legislature of its findings, conclusions and
13 recommendations not later than March 1, 1982 and a final report
14 of its findings, conclusions and recommendations not later than
15 March 1, 1983.

16 Section 9. Duties of the Department of Health.

17 For the purpose of identifying persons who were exposed to a
18 herbicide containing dioxin and for the purpose of compiling
19 data on the health effects of this exposure, the department
20 shall:

21 (1) Establish, promote and maintain a public information
22 program on dioxin. Such program shall include, but may not be
23 limited to, an effort to contact Vietnam era veterans who
24 were exposed to the herbicide containing dioxin.

25 (2) Initiate an epidemiological study of the health
26 effects of exposure to herbicides containing dioxin of the
27 above Vietnam War Veteran residents of Pennsylvania.

28 (3) Maintain a central data bank within the Department
29 of Health for information collected on the health effects of
30 exposure to dioxin and for the cataloguing of existing

1 scientific and medical literature on the health effects of
2 this exposure.

3 (4) Initiate education for health professionals to
4 assist them in understanding the potential risks and state-
5 of-art knowledge with regard to detection, diagnosis and
6 treatment of acute and chronic symptoms associated with
7 dioxin exposure.

8 Section 10. Cooperation with department.

9 The secretary may request and shall receive from any
10 department, division, board, bureau, commission or agency of the
11 State or of any political subdivision thereof such assistance
12 and data as will enable him to properly carry out his activities
13 hereunder and effectuate the purposes herein set forth. The
14 secretary may also enter into any contract for services as he
15 deems necessary with a private agency or concern upon said terms
16 and conditions as he deems appropriate. Information concerning
17 patient and medical data provided to the secretary pursuant to
18 this section shall be kept confidential according to these
19 provisions.

20 Section 11. Report by department.

21 The department shall make an annual report to the Legislature
22 of its findings and recommendations concerning the
23 effectiveness, impact and benefits derived from the special
24 policies as provided for in this section. Such report shall be
25 delivered on or before March 1 and shall contain evaluations of
26 the policies and any legislation deemed necessary and proper to
27 the House and Senate Military and Veterans Affairs Committees.

28 Section 12. Location of commission in department.

29 The commission shall be housed in the Pennsylvania Department
30 of Health in Harrisburg and an office shall be made available

1 with a phone and clerical support in a State health building in
2 both Philadelphia and Pittsburgh. The offices in Philadelphia
3 and Pittsburgh shall assist with data gathering and information
4 outreach services to Agent Orange victims from Pennsylvania with
5 service in Vietnam.

6 Section 13. Appropriations.

7 The sum of \$225,000, or as much thereof as may be necessary,
8 is specifically appropriated to the Department of Health for the
9 fiscal period 1981-1982 to be allocated by the Department of
10 Health as follows:

11 (1) \$100,000 to the Department of Health to carry out
12 the provisions of this act.

13 (2) \$75,000 to the commission to carry out its duties.

14 (3) \$50,000 to the commission for the salaries of its
15 executive director and clerical staff.

16 Section 14. Effective date.

17 This act shall take effect September 1, 1981.